

**Public Acts of 2004**  
**Amendments to Title 33, Tennessee Code Annotated**

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Number**

P.C. 565 Eff. 7/1/04 Section 1	T.C.A. §33-2-411 is amended by deleting the words "licensed surveyor" and substituting the words "licensure surveyor".
Section 2	T.C.A. §33-3-102(b) is amended by adding the words "caregiver under title 34, chapter six, part 3," after the words "guardian ad litem," and before the words "or to be acting under a durable power of attorney".
Section 3	<p>T.C.A. §33-3-104 is amended by inserting the following as a new, appropriately designated subdivision:</p> <p style="padding-left: 40px;">() The caregiver under title 34, chapter 6, part 3.</p>
Section 4	<p>T.C.A. §33-6-201 is amended by inserting the following as a new, appropriately designated subdivision:</p> <p style="padding-left: 40px;">() A caregiver under title 34, chapter 6, part 3, who is acting on behalf of a child.</p>
Section 5	<p>T.C.A. §33-6-206(a) is amended by inserting the following as a new, appropriately designated subdivision:</p> <p style="padding-left: 40px;">() A caregiver under title 34, chapter 6, part 3, who is acting on behalf of a child.</p>
Section 6	T.C.A. §33-3-402(a) is amended by deleting the words "licensed clinical psychologist" from the first sentence and substituting the words "licensed psychologist with health service provider designation".
Section 7	T.C.A. §33-3-408(a) is amended by deleting the words "licensed clinical psychologist" from the last sentence and substituting the words "licensed psychologist with health service provider designation".
Section 8	T.C.A. §33-6-503(2) and 33-6-504 are amended by deleting the word "clinical".



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- Section 9                    T.C.A. §33-6-107 is amended by deleting the word “medication” wherever it appears and substituting in its place the words “mental health treatment”.
- Section 10                  T.C.A. §33-2-602 is amended by deleting the last sentence and substituting the following:
- The procedure must include the means to resolve a conflict informally and expeditiously in conformity with the department’s rules. A licensee may not cease to provide services and supports to a service recipient with a developmental disability during the pendency of the conflict resolution over the objection of the service recipient.
- Section 11                  T.C.A. §33-2-1201(a) is amended by deleting the words “or developmental disabilities shall” and substituting “, serious emotional disturbance, or developmental disabilities shall”.
- P.C. 929  
Eff. 7/1/04  
Section 1                    T.C.A., title 33, chapter 3, part 5, is amended by adding the following new sections:
- 33-3-505 (a) Any judicial proceeding under this title may be conducted by the use of audio visual technology as set out in this act.
- (1)     For proceedings under chapter 6, part 4, the use of audio visual technology is permissible at the court’s discretion, but the court may grant any reasonable request by counsel, a party, or a guardian ad litem to conduct the proceedings in the physical presence of the court.
- (2)     For any other proceedings under this title, the use of audio visual technology is permissible with the agreement of all parties and at the court’s discretion.
- (b)     Subject to availability of suitable equipment, notwithstanding any provision of law to the contrary, proceedings may be conducted through two-way electronic audio-visual communication without the physical presence of the defendant, plaintiff, witnesses or attorneys before the court. Any such hearing must be conducted so that:



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- (1) the defendant, plaintiff, and judge can see and hear each other throughout the entire hearing (except for the private communications excluded under subdivision (5));
- (2) the judge, defendant, plaintiff and their attorneys can see and hear all witnesses while they testify orally during the hearing;
- (3) the judge, defendant, plaintiff and their attorneys can hear all questions asked of witnesses during their testimony;
- (4) the judge, defendant, plaintiff and their attorneys can hear all questions, statements, objections, motions and argument of any attorney or party participating in the hearing; and
- (5) the defendant and defendant's attorney and plaintiff and plaintiff's attorney can communicate privately with each other during the hearing.

33-3-506 Pleadings and any certificates of need for care and treatment that must be filed in proceedings under chapters 5 through 8 may be delivered to the court by telefax transmission in conformity with the Tennessee Rules of Civil Procedure.